REMARKS

The Non-Final Office Action mailed November 10, 2009 and the references cited therein have been carefully considered. Claims 1-19 are now pending in the application, although Claims 1-9 have previously been withdrawn from consideration. Applicant has refrained from amending the claims as part of this response, but respectfully requests reconsideration of the pending rejections as addressed further below.

Claim Rejections under 35 USC § 103(a)

In the Office Action, Claims 10-14, 16, 18 and 19 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,251,318 to Arentsen et al. (**Arentsen**) in view of U.S. Patent No. 3,970,732 to Slaats et al. (**Slaats**). Applicant has hereby interpreted the rejection on page 3 of the Office Action to include claims 18 and 19 as they are discussed in paragraphs 5g and 5h on page 7. Also, Claims 15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arentsen in view of Slaats and further in view of U.S. Patent No. 5,059,376 to Pontiff et al. (**Pontiff**). The Office Action contends that the combination of Arentsen and Slaats or the combination of Arentsen, Slaats and Pontiff disclose all the features of the rejected claims. Applicant respectfully traverses these rejections.

Applicant respectfully requests that the Examiner reconsider the reasoning and motivation argued in the subject Office Action as to how or why one of ordinary skill would combine Arentsen and Slaats. On page 8, paragraph 7a of the Office Action, it is argued that one of ordinary skill would be motivated to use the pressure reduction techniques taught by Slaats after the mold is filled,

but also use the activation of the blowing agent during the introduction and heating of the mass into the mold cavity. In paragraph 7b it is further argued that the motivation for using the above-mentioned Slaats technique after the above-mentioned Arentsen technique is to insure the mold is properly filled. However, such a broad assertion of the teachings of these two prior art references uses improper hindsight to arrive at this conclusion.

Arentsen teaches a process and apparatus for manufacturing biodegradable products. The Arentsen disclosure describes at length the advantages achieved by using its disclosed method, which forms a closed skin product of closed cells and a foamy core with open cells (see Arentsen Col. 12, lines 22-24). This structure is achieved by the injecting a batter and then baking it therein. In fact, Arentsen goes on to point out that "As long as the skin remains closed, the biodegradation of the product is adequately prevented or at least slowed down to a great extent." (see Arentsen Col. 12, lines 38-40). Accordingly, one of ordinary skill would have is no motivation or reason to apply a further pressure reduction technique that will cause rapid foaming as such a technique would destroy the closed cell skin structure needed to prevent the biodegradable product produced by Arentsen. In this way, one of ordinary skill starting from Arentsen would be led away from any rapid or drastic pressure reduction that would cause further the bubbles to break through that outer skin. Besides, the high pressure injection of the batter into the mold is relied upon in Artensen to fill the mold (see Arentsen Col. 61-65). There is simply no need to look to Slaats to "insure proper mold filling" as suggested in the Office Action, outside of improper hindsight.

Further, when considering the disclosure of Slaats, one of ordinary skill would take the teachings therein in context. Thus, it must be noted that in that context, the Slaats disclosure uses

"foamed plastic material." In particular, the plastic used by Slaats is cured by heating (see, Slaats, Col. 1, lines 10-13; see also Col. 5, lines 39-42 "a small amount of heat can be supplied thereto to effect complete curing of the article."). Thus, one could not apply the limited Arentsen technique argued in the subject Office Action of activating the blowing agent during introduction and heating of the material, as this technique would cure the Slaats foamed plastic. In fact, any "small amount of heat" will cure the plastic used in the Slaats technique, which means any heating before the mold is filled would render the Slaats technique ineffective. Reducing the pressure in the mold after it is filled will not be effective if the foamed plastic material has already cured or is substantially cured. Thus, one of ordinary skill considering the disclosure of Slaats would be led away from combining this teaching with prior art that uses heat prior to filling the mold.

Further Arentsen fails to disclose or reasonably suggest that it might be advantageous to control the density of the mass during the molding process by applying different pressure levels in the deaeration channels during that molding process. In fact, Arentsen only mentions adjusting properties of different parts of the product to be formed by means of varying the temperature of the mold in time and/or in the different parts of the mold. Consequently, one of ordinary skill in taking the teaching of Arentsen would have no incentive to look to change or control the pressure levels in the mold, as if that were a problem that needed fixing. However, even if that skilled practitioner where to look to Slaats, he/she would lead away from such a combination since Slaats is uses such pressure reduction techniques after the mold is substantially filled, which would destroy the skin structure of Arentsen. Accordingly, one of ordinary skill would have no motivation or reason to combine the disclosures of Arentsen and Slaats.

Applicant further reiterates the arguments and explanations presented in prior responses, but has refrained from including them here to minimize redundancy. As such, Pontiff fails to teach or reasonably suggest why one of ordinary skill would combine Arentsen and Slaats, nor does the addition of the teaches of Pontiff arrive at the claimed invention.

Thus, the combined teaching of Arentsen, Slaats and Pontiff fail to disclose or reasonably suggest activating a blowing agent during the introduction and heating, while also reducing the pressure inside the mold after the mold is substantially filled, as recited in Claim 10. Moreover, the remaining dependent claims include further aspects not taught or reasonably disclosed by the prior art. Accordingly, one of ordinary skill would not arrive at the claimed invention by combining the teachings of Arentsen, Slaats and/or Pontiff in this regard.

Applicant therefore requests reconsideration of withdrawal of the rejections under 35 U.S.C. 103(a) based on any combination of Arentsen, Slaats or Pontiff.

Conclusion

Accordingly, favorable reconsideration of Claims 10-19 are hereby solicited. In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicant's attorney at the telephone number provided.

Respectfully submitted,

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